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No. 7,375 (1832), *McDowell v. Bowles*, 8 Jones (N. C.) Law 184 (1860). South Carolina before the Civil War held otherwise, because there the negro lacked all civil rights. *Atkinson v. Hartley* (1821), 1 McCord 203. The law is strict, and often harsh, in dealing with special damages caused by defamatory words and in themselves actionable. Such damages must be explicitly claimed in the pleadings and strictly proved at the trial. NEWELL, SLANDER & LIBEL, Ed. 2, p. 866. The rule generally stated, but not always followed, is that the plaintiff must have been deprived of some material temporal advantage. NEWELL (*supra*), p. 856. *Bassil v. Elmore*, 65 Barb. 627, 48 N. Y. 561. Some cases of such deprivation have been considered to be,—the loss of marriage by women, *Hardin v. Harshfield*, 11 Ky. Law Rep. 638, 12 S. W. 779; *Sheperd v. Wakeman*, Sid. 79; and by men, *Matthew v. Crass*, Cro. Jac. 323; the refusal of civil entertainment at a public house, *Olmsted v. Miller*, 1 Wend. 506; the loss of hospitality from relatives, *Williams v. Hill*, 19 Wend. 305; or from friends, *Davies v. Solomon*, L. R. 7 Q. B. 112, 41 L. J. Q. B. 10, 20 W. R. 167; but ill health, *Terwilliger v. Wands*, 17 N. Y. 54; exclusion from a private religious society, *Roberts v. Roberts*, 33 L. J. Q. B. 249, 12 W. R. 909; social ostracism and the loss of association with good friends, are not deemed sufficient special damage, *Allsop v. Allsop*, 5 H. & N. 539, 8 W. R. 449; *Beach v. Ranney*, 2 Hill 309. The distinction drawn between the loss of the "hospitality" and the "society" of friends, though perhaps logical, is hardly reasonable. Most civilized men would rather suffer the loss of a meal than be shunned and ignored. Many of the decisions seem arbitrary and hard. A liberal view was expressed in *Mudd v. Rogers*, 102 Ky. 280, 43 S. W. 255 (1897), which the same court, in the principal case, failed to comment upon. The court in that case, after holding certain slanderous words not actionable *per se*, concludes: "The special damages resulting to the plaintiff from the publication of the slander can scarcely be computed in dollars and cents. The treatment that he received from his heretofore friends and associates, and especially the ladies, to a sensitive, high-toned gentleman, would be immeasurable; and if the charges were false, and their utterance and publication brought upon the appellant the disgrace and ostracism which he alleges, he is certainly entitled to maintain this action, and to recover damages to some extent commensurate with the injuries inflicted."

MUNICIPAL CORPORATIONS—ASSESSMENT BEYOND CORPORATE BOUNDARIES—SIGNER OF PETITION NOT ESTOPPED TO DENY JURISDICTION TO ASSESS FOR SAME—Appellant company, defendant below, owned a tract of land outside the corporate limits of the city of Edmonds, and joined in signing a petition to said city for the construction of a sea gate as a municipal improvement. This improvement was made and the cost assessed against the property owners benefited, including defendants. This assessment was resisted on the ground that the municipality had no jurisdiction to make assessments against property outside its corporate boundaries. *Held*, the city had no jurisdiction and could exercise no municipal powers beyond its corporate boundaries, and defendant company was not estopped to deny this jurisdiction on the ground that it

had signed the petition for the improvement. *Edmonds Land Co. v. City of Edmonds* (Wash., 1911) 119 Pac. 192.

A municipality has no power to make assessments against property not within its corporate limits. *Farwell v. Seattle*, 43 Wash. 141, 86 Pac. 217; *City of Brooklyn v. Lott*, 2 Hun 628; *In re Flatbush*, 60 N. Y. 398; *Farlin v. Hill*, 27 Mont. 27, 69 Pac. 237; *In re Prospect Park*, 5 THOMP. & C. 188, 28 Cyc. 1128. Nor is there any lien for improvements against land outside the corporate boundaries under a statute giving a lien on adjacent lots for an improvement "in an incorporated city." *Durrell v. Dooner*, 119 Cal. 411, 51 Pac. 628. And when part of a piece of property lies within and part without the boundary, only the part within can be assessed for its share of the improvement. *Lawrenceville v. Hennessey*, 244 Ill. 464, 91 N. E. 670. However, if the property benefited is made a part of the municipality while improvements are under way but before they are completed, it may be assessed its proportionate share of the entire improvement. *Hollister v. City of Rochester*, 85 N. Y. Supp. 147, 41 Misc. 559. In the principal case, it was not argued that the city had the power to assess property outside its limits, but that appellant by signing the petition was estopped to question its power so to do. It has been repeatedly held that one signing such a petition is estopped to deny the validity of an assessment made to pay for the improvement asked in the petition. *Shepard v. Barron*, 194 U. S. 553, 24 Sup. Ct. 737, 48 L. Ed. 1115. *Tacoma Land Co. v. Tacoma*, 15 Wash. 133, 45 Pac. 733. *Sexsmith v. Smith*, 32 Wis. 299; *Matthews v. Kimball*, 70 Ark. 451, 66 S. W. 651; 4 DILL., MUN. CORP., Ed. 5, § 1456, and cases cited. See also *De Noma v. Murphy* (S. D. 1911), 133 N.W. 703, noted on p. 341 *post*. But such estoppel does not extend to matters of jurisdiction, so as to give jurisdiction where none would otherwise exist. *Coggeshall v. Des Moines*, 78 Ia. 235, 41 N. W. 617, 42 N. W. 650; *Fox v. Middlesborough Town Co.*, 96 Ky. 262, 28 S. W. 776; *Strout v. Portland*, 26 Ore. 294, 38 Pac. 126; *McGowan v. Paul*, 141 Wis. 388, 123 N. W. 243; 4 DILL., MUN. CORP., Ed. 5, § 1455. The decision in the principal case would seem to settle a question upon which the decisions of the State of Washington seem to have been hitherto in conflict. *Howell v. Tacoma*, 3 Wash. 74, 29 Pac. 447, 28 Am. St. Rep. 83, holds that there is no estoppel raised by signing a petition in a case where the city council was without jurisdiction. But in *Barlow v. Tacoma*, 12 Wash. 32, 40 Pac. 382, the principle of estoppel was applied in a matter involving a jurisdictional question. And in *Wingate v. Tacoma*, 13 Wash. 603, 43 Pac. 874, the court expressly declared that the fact that a property owner signed a petition for an improvement, knew it was being made, and made no objections, will estop him and his successors in interest from asserting that the city never acquired jurisdiction to make the improvement and levy an assessment therefor. This opinion was followed in *Tacoma Land Co. v. Tacoma*, *supra*. In *Aberdeen v. Lucas*, 37 Wash. 190, 79 Pac. 632, the doctrine of *Howell v. Tacoma*, *supra*, was once more set forth, by way of *dictum* however, since the court held the defects set forth to be mere irregularities of procedure and not jurisdictional. The principal case, by holding that there is no estoppel to deny matters of

jurisdiction, once more brings this court into line with the rule as it is generally laid down regarding this question.

PARENT AND CHILD—MARRIAGE NOT AN EMANCIPATION.—Plaintiff and defendant, both being minors above the age of consent, were married, and plaintiff (the wife) afterward secured a decree of divorce and temporary alimony. The defendant had no property, and his father claimed and received his wages and services. Consequently he failed to pay the alimony. *Held*, that he was not in contempt for the failure. *Austin v. Austin* (Mich. 1911) 132 N. W. 495.

This case has been criticised as opposed to the great weight of authority, which holds that "the lawful marriage of an infant, whether with or without the parent's consent, entitles the infant to his earnings for the support of his family." 25 HARV. L. REV. 295. This statement of the rule seems rather too broad. Of the two cases cited as illustrative of the weight of authority, the first, *Commonwealth v. Graham*, 157 Mass. 73, 31 N.E. 706, while opposed to the principal case, does not hold that the infant is fully emancipated by marriage, but only that "an infant husband is entitled to his own wages so far as they are necessary for his own support and that of his wife and children." The second, *Aldrich v. Bennett*, 63 N. H. 415, is not in point on this question, the emancipation there being that of a female infant. Courts have been willing to hold that marriage emancipates a female infant, *Aldrich v. Bennett*, *supra*, and that a male infant is emancipated where his father has consented to the marriage, *Inhabitants of Taunton v. Inhabitants of Plymouth*, 15 Mass. 203. Further they have allowed him necessities for the support of himself and his family. *Commonwealth v. Graham*, *supra*; *Inhabitants of Taunton v. Inhabitants of Plymouth*, *supra*. But no court, apparently, has held that a male infant is fully emancipated by marriage without his parent's consent. The textbooks state with substantial uniformity, that marriage does emancipate. TIFFANY, DOM. REL., Ed. 2, 282, but the cases cited do not support the text statement. A line of cases in Vermont is often cited to support the emancipation doctrine: *Town of Bradford v. Town of Lunenburg*, 5 Vt. 481; *Town of Sherburne v. Town of Hartland*, 37 Id. 528; *Town of Northfield v. Town of Brookfield*, 50 Id. 62. These cases all arose under the pauper laws, and the question was only as to what constituted emancipation under those laws, *Town of Sherburne v. Town of Hartland*, *supra*. Furthermore the two latter of these cases base their decisions on a statement in the earliest case which is but *dictum*. The only cases exactly in point seem, then, to be *Com. v. Graham*, *supra*, *White v. Henry*, 24 Me. 531 and *People v. Todd*, 61 Mich. 234, 28 N.W. 79. It is the rule in the two latter of these cases which the Michigan court has adopted in the principal case.

SERVICE OF SUMMONS—FALSE RETURN—REMEDY.—In an action to enjoin a levy and sale under an execution issued on a judgment rendered by a justice of the peace, and to have the judgment declared null and void, because based upon a false return of service of summons. *Held*, that the return of the officer showing a service of summons in the manner pre-